

REMARKS AND ARGUMENTS

Claim Rejections - 35 USC § 102

The Office has rejected claims 1, 3, 4, 7-11, 13, 14, 17 and 18 under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (US 5,524,749 A) ("Thompson"). Claims 1 and 11 are independent claims with the remaining claims depending therefrom. Although Applicant does not agree with the conclusions of the Office regarding patentability, independent claims 1 and 11 have been amended to more fully describe the subject matter therein.

Thompson does not teach all the limitations of claim 1. As amended, claim 1 requires a tether housing and a tether wherein the "tether [is] prevented from retracting past a certain point by a lanyard attachment that abuts [the] tether housing when [the] tether is fully retracted." Thompson does not teach this limitation. Instead, Thompson teaches that "a retraction control device shown as button 22 may be provided...to permit the tether to be restrained in the extended position with releasable control of retraction[.]" (See Thompson: FIG.3; col. 3, lines 40-45). The button 22 is designed to be activated so that machine readable cards attached to the tether may be used or presented without tension in the tether. The button 22 may then be deactivated so that the tether retracts into the housing and the cards may be stored in the enclosure 12. This is different from the tethering system of claim 1. In the claim 1 system, the tether is prevented from retracting into the tether housing by a tether attachment which abuts the housing when the tether is in the fully retracted position. The tether attachment allows the lanyard loop to be suspended such that

there is no tension between the tether housing and an object, such as a personal device, for example, connected to the other end of the tether. The claim 1 system is advantageous for several reasons. For example, the tether has some slack in it even when it is in the fully retracted position. The slack takes the pressure off of the object which is connected to the tether when the object is mounted in the holstering system. This can prevent stress wear at the connection point of the tether and the object. The lack of tension on the tether also prevents the tether from urging the object loose from the holstering system when the object is holstered. Because Thompson does not teach all the limitations of claim 1, the claim is not anticipated by the reference. Claim 1 is otherwise allowable.

Claim 3 is canceled.

Claims 4 and 7-10 depend from claim 1 and, as such, are also allowable.

Claim 11 has been similarly amended as claim 1. Claim 11 requires a tether internal to said housing wherein the "tether [is] prevented from retracting past a certain point by a lanyard attachment that abuts [the] tether housing when [the] tether is fully retracted." As discussed above, Thompson does not teach this limitation. Thus, claim 11 is not anticipated by Thompson. Claim 11 is otherwise allowable.

Claim 13 is canceled.

Claims 14, 17 and 18 depend from allowable claim 11 and, as such, are also allowable.

For at least the reasons stated above, Applicant requests the withdrawal of the rejections of the claims under 35 U.S.C. 102(b).

Claim Rejections - 35 USC § 103

The Office has rejected claims 1, 4, 6-11, 14 and 16-18 under 35 U.S.C. 103(a) as being unpatentable over Tien (US 5,620,120 A) ("Tien") in view of Wong (US 6,546,103 B1) ("Wong") and further in view of Thompson. Claims 1 and 11 are independent claims with the remaining claims depending therefrom. As discussed above, claims 1 and 11 have been amended to more fully describe the subject matter therein.

Tien, Wong and Thompson, taken individually or in combination, do not teach all the limitations of Applicant's claim 1. As amended, claim 1 requires a tether housing and a tether wherein the "tether [is] prevented from retracting past a certain point by a lanyard attachment that abuts [the] tether housing when [the] tether is fully retracted." As discussed in detail above, Thompson fails to disclose this limitation. Wong teaches a spool case 10 that houses a cord 12, but it does not teach a stop mechanism to prevent retraction of the cord 12 past a certain point as required by claim 1. (See Wong: FIGs. 4 and 5; col. 2, lines 18-21). The Office states that Tien fails to disclose a lanyard loop altogether. (See Office Action: page 5). Because the references fail to teach all the limitations of claim 1, the claim is not rendered obvious by the references. Claim 1 is otherwise allowable.

Claims 4 and 6-10 depend from allowable claim 1 and, as such, are also allowable.

Claim 11 was similarly amended as claim 1 and now requires a tether internal to said housing wherein the "tether [is] prevented from retracting past a certain point by a lanyard

attachment that abuts [the] tether housing when [the] tether is fully retracted." As discussed above the references, taken alone or in combination, do not disclose this limitation. Thus, claim 11 is not rendered obvious by the cited references. Claim 11 is otherwise allowable.

Claims 14 and 16-18 depend from allowable claim 11 and, as such, are also allowable.


For at least the reasons stated herein, Applicant requests the withdrawal of the rejections of claims 1, 4, 6-11, 14 and 16-18 under 35 U.S.C. 103(a).

CONCLUSION

Applicant submits that claims 1, 4, 6-11, 14 and 16-18 are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,



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